

R E M A R K S

Claims 1-4 and 9 currently remain in the application. Claims 5-8 and 10 have been withdrawn as non-elected claims and claims 1 and 9 are herein amended.

Claims 1 and 9 were rejected under 35 U.S.C. 102 as being anticipated by Kurata in Paragraph 3 of the Official Letter. Claims 1 and 9 were also rejected under 35 U.S.C. 102 as being anticipated by Komma in Paragraph 4 of the Official Letter. Rejection of a claim under 35 U.S.C. 102 is justified only when each of the inventive elements in that claim is disclosed in one reference. In view of the cited references, claims 1 and 9 are herein amended. Neither Kurata nor Komma discloses every inventive element in amended claim 1 or 9, and hence it is believed that amended claims 1 and 9 as well as all claims that depend therefrom are now allowable.

Explained more in detail, the light-emitting element in claims 1 and 9 are now more narrowly defined as serving to emit an expanding beam of light with a fixed gate angle. Since this characterization of the light to be emitted from the light-emitting element of this invention is supported variously in the specification as originally filed (for example, in page 8 at lines 8-11 and in page 10 at lines 24-28, as well as in Figs. 4 and 5A), this amendment is believed enterable. In order to make this support more direct and clearly visible, a portion of the specification has been also amended. This amendment is also believed enterable because it does not introduce any new matter but merely serves to more clearly explain what has already been shown and disclosed.

With the claims 1 and 9 thus more narrowly limited, it is believed that the Examiner's rejection on the ground of anticipation is obviated. As for Kurata, although what may be regarded as corresponding to the first and second polarizers, the light-emitting lens and the light-receiving lens of instant claims 1 and/or 9 are disclosed by Kurata, numerals 1 and 2 in Fig. 1 of Kurata indicate optical fibers and numerals 40 and 53 each indicate the direction of light propagation. There is no light source adapted to emit a light beam which will propagate while the sectional area of its flux increases at a constant rate.

It should be clear in this connection that the increasing flux area is not a mere matter of design choice because the present invention relates to a method of measuring the difference in the quantity of received light when a target object (such as shown at 300) with a mirror surface is present or not present between the light-emitting lens and the reflector. By contrast, Kurata relates to an optical isolator and its light source is premised to be a

semiconductor laser. Kurata's intended purpose is completely different from that of the present invention.

Komma was cited for disclosing an anisotropic hologram 173 allegedly as an equivalent of the polarizer of this invention and a quarter-wave plate 15 allegedly as an equivalent of the phase shifter of this invention. Indeed, these optical elements are arranged along the light path in the same sequence as claimed in the instant application but the hologram and the quarter-wave plate are arranged such that there is substantially no diffraction of light in the first passage (on the way towards the information storage medium 5) (column 8, lines 12-16) and that the diffracted light will be generated at the time of the second passage. According to the present invention, the phase shifters and the polarizers are not combined for such a purpose and do not function as required by Komma.

Claims 2-4 were rejected under 35 U.S.C. 103 over Kurata in Paragraph 6 of the Official Letter and over Komma in Paragraph 7 of the Official Letter. Since these claims are dependent claims and now inherit the additional limitations of amended claim 1, it is believed that the Examiner's rejection is automatically obviated.

In summary, it is believed that the present Amendment is totally responsive to the Office Action and hence that the application is now in condition for allowance.

Respectfully submitted,



Keiichi Nishimura
Registration No. 29,093

September 12, 2005
BEYER WEAVER & THOMAS, LLP
500 12th Street, Suite 200
Oakland, California 94607
Telephone: (510) 663-1100
Telefax: (510) 663-0920